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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,439	08/10/2001	Yasuharu Kitakami	N9450.0024/P024	4109

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EXAMINER
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CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,439

Applicant(s)

KITAKAMI, YASUHARU

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## ***Non-Final Rejection***

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "output terminals" recited in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1-3 are objected to because of the following informalities:

- In claim 1, line 2; "body,;" should be changed to --body;--.
- In claim 1, line 5; "reproducing recording data recorded in said disk" should be changed to --reproducing or recording data from or in said disk--.
- In claim 1, lines 5-6; "and a turn table for holding and rotating said disk" should be deleted.
- In claim 1, line 9; "said front" should be changed to --a front--.
- In claim 1, line 10; "said state" should be changed to --a state--.

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- In claim 1, line 11; "reproducing apparatus" should be changed to --main body--.
- In claim 2, line 2; "body,;" should be changed to --body;--.
- In claim 2, line 5; "reproducing recording data recorded in said disk" should be changed to --reproducing or recording data from or in said disk--.
- In claim 2, line 10; "said state" should be changed to --a state--.
- In claim 3, line 2; "body,;" should be changed to --body;--.
- In claim 3, line 5; "reproducing recording data recorded in said disk" should be changed to --reproducing or recording data from or in said disk--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 3/2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 2 recites "located between a rotation center of said disk tray and a front panel of said main body and said rotation center of said disk tray, at a rotation angle range of 36-108 deg.." The meaning of this limitation is not clear; therefore, it renders indefinite.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al (US 5,193,079) in view of Silverman (US 3,774,172).

With regard to claims 1-3, Ko et al shows a disk reproducing apparatus in Figs. 1 and 8 including: a main body 1; a frame 2 which is pushed out from (Fig. 1), or drawn in (Fig. 2) the main body 1; a disk tray 4 which is rotatably attached to said frame 2 (Fig. 8), for mounting a plurality of disks; and an inherent turn table for holding and rotating said disk.

Ko et al's device is a CD changer, which inherits an optical pick-up unit operated along with a turn table for holding and rotating said disk, but Ko et al does not explicitly show the optical pick-up.

Silverman shows an optical disc changer including an optical pick-up unit 24 (Fig. 1; column 3, line 35), which can rotate to access all discs (Column 3, lines 35-50) for reproducing or recording data from or in the disk, wherein the optical pick-up unit operated along with a turn table for holding and rotating said disk.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the optical head taught by Silverman into Ko et al's device. The rationale is as the followings: Ko et al's device inherently needs an optical pick-up unit, but Ko et al does not show. Silverman teaches an optical pick-up unit,

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which can access all the disks. One of ordinary skill in the art would have been motivated to add the optical pick-up unit taught by Silverman into Ko et al's device, thus being able to access all disks. Thus constructed device would provide all the locations recited in claim 1 and 3, as well as the location to be clarified in claim 2.

With regard to claim 4: Official Notice is taken: various kinds of output terminals arranged in a rear panel of the main body of an electronic apparatus is a notorious and common practice in the art at the time the invention was made. Applicant neither teach how many kinds of output terminals mounted on which part of the rear panel nor discloses unexpectable results from this arrangement. One of ordinary skill in the art would have been reasonably expected some kinds of output terminals being arranged in a rear panel of the main body.

### ***Conclusion***

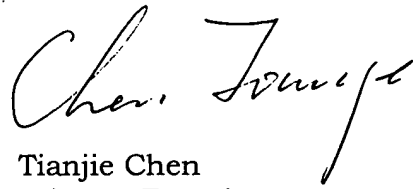
6. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script, appearing to read "Chen. Tianjie".

Tianjie Chen  
Primary Examiner  
Art Unit 2652  
11/03/2003